

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

OSCAR CONTRERAS AGUILAR	:	
	:	
	:	
v.	:	CASE NO. 1:18-CR-123-RDA-1
	:	1:21-CV-1449 (RDA)
MERRICK GARLAND,	:	
	:	
Respondent.	:	

**MOTION TO SCHEDULE A HEARING ON
PETITIONER'S 28 U.S.C. § 2255 MOTION**

COMES NOW the Petitioner, Oscar Contreras Aguilar, by counsel, and moves the Court to grant him a prompt hearing on his pending motion to vacate his conviction and sentencing, pursuant to 28 U.S.C. § 2255(b). In support thereof, the Petitioner states as follows:

On December 23, 2021 Mr. Contreras filed a *pro se* motion to vacate his conviction and sentencing. Dkt. 1038. On June 10, 2022 the Court granted Mr. Contreras's motion for an order directing the Government to show cause why his § 2255 motion should not be granted, and appointed the undersigned to represent him. Dkt. 1203. Mr. Contreras filed a *pro se* supplement to his § 2255 motion on June 21, 2022. Dkt. 1211. On September 2, 2022, Mr. Contreras, by counsel, filed a supplemental memorandum in support of his § 2255 petition. Dkt. 1256. The Government filed its opposition memorandum on November 1, 2022. Dkt. 1302. Mr. Contreras filed a reply brief on November 16, 2022. Dkt. 1312.

Mr. Contreras is entitled to a prompt hearing on his motion to vacate. Title 28 United States Code § 2255(b) provides: "Unless the motion and the files and records of the case conclusively show that the prisoner is entitled to no relief, the court shall cause notice thereof to be served upon the United States attorney, grant a prompt hearing thereon, determine the issues

and make findings of fact and conclusions of law with respect thereto.” The Court has already issued an Order requiring the Government to respond, in addition to granting leave to Mr. Contreras to supplement his petition and setting a briefing schedule. More than seven months have now elapsed since the last pleading was filed pursuant to the briefing schedule, and no hearing has been scheduled in this case. To date, more than a year has elapsed since Mr. Contreras filed a *pro se* supplement to his original petition.

Accordingly, Mr. Contreras, by counsel, respectfully moves the Court to grant him a prompt hearing on his § 2255 petition pursuant to § 2255(b).

Respectfully Submitted,
Oscar Contreras Aguilar
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was filed via ECF with electronic copies served on all counsel of record.

_____/s/_____
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